Swami Ramanand Teerth Marathwada University, Nanded, Maharashtra, India

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"THE CRITICAL STUDY OF PREVENTION OF CORRUPTION ACT 2018 WITH SPECIAL REFERENCE TO CYBER CRIME AND DIGITAL ASSET"

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THE CRITICAL STUDY OF PREVENTION OF CORRUPTION ACT 2018 WITH SPECIAL REFERENCE TO CYBER CRIME AND DIGITAL ASSET.

❖ Introduction to Proposed Research Topic:

Crime being a social phenomenon can find its existence since the period of existence of human civilization. As it is a human tendency to certain extent it exists in one way or the other in every era of human civilization. As the nature of social structure changes from one form to another the nature of the offence / crime also get changed accordingly. In ancient days the nature of offence/ crime was basically against the human body, Property, Status etc and was directly related to the same. Now we are entering into 21st Century and this era is an era of computerization/ digitalization etc and accordingly the nature of transaction/s, communication/s and safety etc are maximum based on such digitalization. Even the Government Policy is also of such nature that, the maximum business/ commercial transactions should be done in the same manner. It ultimately going to open the doors for the offences of new nature. ie. Corruption with Cybercrimes and Digital Fraud. Considering the changing nature of social structure our systems also need to get well equipped to cope up the new challenges in the area of investigation and trail of Corruption, Cyber Crime and Digital Fraud.

❖ Statement of Problem:

The human civilization is a continuous process of social changes over a period of time. It includes the changes not only in social aspect but it also includes the economical as well. Most of the time these changes are nothing but an outcome of technological developments in the society and such a changes resulted in modernization in the society as well. An invention of computer initially was only for the purpose of mathematical calculations just to ease and to expedite the process of complicated calculations but gradually the use of computer is started occupying almost every single aspect of day to day life. The use of computer with the help of Internet has brought a very drastic change in the society and the whole world comes together like a family. The effect of rapid globalization and the requirement of urban development, it is a need of time that commercial activities have to be gets done by

privatization. The collective effect of the rapidly growing liberalization, globalization and privatization is nothing but the outcome of digitalization and use of internet by the world. It ultimately causes the rapid growth in crime related to the cyber and digital / virtual world. The increased use of the cyber world by the masses across the world is again a matter of concern as majority of the people using the internet facility are not at all aware about the proper logical and ethical use of the cyber world which ultimately resulted into the rapid growth in Corruption, cybercrime and digital frauds.

❖ Survey or Review of Literature and Development in the relevant Subject:

The law of the country has also taken cognizance of this reality. Prevention Of Corruption Act 2018, The Information Technology Act 2000, has been enacted recognizing electronic records as evidence, governing access to and acquisition of digital and electronic evidence from individuals, corporate bodies or from the public domain. By way of this enactment, amendments were also brought in other laws like old Indian Penal Code (IPC), Indian Evidence Act and Criminal Procedure Code (Cr.PC). Newly Amended Laws in 2023 Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagrik Suraksha Sanhita (BNSS), Bharatiya Sakshya Adhiniyam (BSA), The Income-tax Act, 1961 has also been amended thrice by way of Finance Act 2001, Finance Act 2002 and Finance Act 2009 thereby according recognition to electronic evidence, facilitating access to them and giving when need be, powers to impound and seize them. By Finance Act, 2001, Clause (22AA) was inserted in Section 2 to provide that the term "document" in Income Tax Act, 1961, includes an electronic record as defined in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000. By Finance Act, 2002, Clause (iib) was inserted in Sub-Section (1) of Section 132 requiring any person who is found to be in possession or control of any books of account or other documents maintained in the form of electronic record as defined in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000), to afford the authorized officer the necessary facility to inspect such books of account or other documents; and by Finance Act, 2009, clause (c) was inserted in sub-section (1) of Section 282 providing that service of notice in the form of any electronic record as provided in the Information Technology Act, 2000 (21 of 2000) will constitute valid service.

❖ Importance of the Study:

One of the most significant and influential inventions of 20th century was the Computer. There has been a see change in the purposes and the manner in which computers are used with advent of microprocessor technology and digital communication. The computer started with being a giant calculating machine. It then transformed itself into a standalone personal tool for performing assorted routine tasks like word processing and accounting and then to today‘s network device permeating virtually everything including instantaneous and global personal and business interaction. The way business is conducted and records are maintained today is a far call from days past. Accordingly, in enforcement agencies including the Income tax department, more and more information is being stored, transmitted or processed in digital form. Though at once it looks very significant and most useful medium of communication and business activities in modern days, it also carries certain very definite but unseen before threat and concern along with it. The threat of cybercrime and digital asset fraud in almost every sector then this modern days invention is getting used and to cope up with the unseen and un-estimated risk of corruption, cybercrime and digital asset fraud we need to have thorough study of the subject with all the dimensions since the causes of corruption, cybercrime and digital asset fraud to the actual trail of the corruption, cybercrime cases along with the study of corrective measures to prevent the corruption, cybercrime and digital asset fraud. Apparently it is understood that, the number of the unintentional acts resulted into the corruption, cybercrime and digital asset fraud is only because of serious lacks of awareness about the proper and ethical use of the electronic gazette and this research would be an attempt to bring social awareness about the proper and ethical use of advance technology based electronic gazettes with an intent to prevent corruption, cybercrime and digital asset fraud in the society. The research definitely would be helpful to suggest corrective measures in order to prevent the occurrence of corruption, cybercrime and digital asset fraud in the society. The research will be helpful to find out the loop wholes and lacuna in the modus-operandy in the existing investigation process as well as to strengthen the good and effective parts in the process of the analysis and scrutiny of the collected digital evidence by way of investigation of the corruption, cybercrime and digital asset fraud to help the judiciary to conduct effective trail of corruption, cybercrime and digital asset fraud. The research would

surely be very handy and helpful to the intellectuals, Corporate executives, academics, people working in and

for various Government and Para Government Departments like Income and other Tax Department/s, Revenue Departments, Defense and Home Department, Foreign exchange and allied departments, various investigation agencies like Police Department, Cyber Police Stations, CBI, CID, SID, ATS, EOW, IB, ED etc in use of their day to day activities while using electronic gazettes in the discharge of their official duties.

❖ Objectives of the proposed research work:

- To Study the origin of corruption, cybercrime and digital assets frauds etc.
- To Study the improvement in investigation of Prevention of corruption, cybercrimes and digital assets fraud.
- To recommend remedial measures for preventing corruption, cybercrimes and digital asset frauds.
- To bring legal and social awareness of corruption, cybercrime and digital assets in community for it's frauds to prevent and curative measures of corruption, cybercrime and digital asset frauds.

❖ Hypothesis:

- Lack of knowledge amongst the society about the corruption, cybercrimes and Digital assets frauds.
- Present investigation machinery is not having sufficient various equipment's to investigate white collar crimes, corruption, cyber crimes and digital assets frauds.
- Investigation machinery is not aware about block chains, Centralized and decentralized systems.
- The awareness regarding the prevention of corruption, cybercrimes and Digital asset frauds in education system and society.
- The prevention of corruption act 2018 not having any legal provision about cyber crime and digital assets frauds.

❖ Limitation of the work:

In this proposed research topic as there are various types of corruption, Cybercrimes and Digital asset frauds, so we take some of them standard and common Crimes and

frauds to aware Government and Society. Also these study results we apply to some current emerging trends in prevention of corruption, cybercrimes and digital Assets frauds.

❖ Research Methodology:

Following is the research methodology to be used

- Collection of references through Library / research journals / internet / Cyber law / precedents of superior courts.
- Understanding the knowledge about current research topic by participating in the topic related conferences, workshops, seminars.
- By studying references finding new results.
- Suggesting the awareness about prevention of corruption and Cybercrime with Digital asset frauds.

❖ Chapter Schme:

The proposed study consists of total seven chapters as follows:

- **CHAPTER I:** Introduction.
- **CHAPTER II:** Corruption with special reference to Cybercrime and Digital asset frauds: Trends, Practices, Implications and Social awareness.
- **CHAPTER III:** Judicial Approach to Prevention of corruption and Prevention of Cyber Crime with Digital asset frauds in India.
- **CHAPTER IV:** Prevention of corruption and Prevention of Cybercrimes with Digital asset frauds: Challenges, Implications and it's Legal investigation.
- **CHAPTER V:** Prevention of corruption Act 2018, IT Act 2000 and Rules regarding Digital assets.
- **CHAPTER VI:** Data Analysis & Interpretation.
- **CHAPTER VII:** Conclusion and Suggestions.

❖ Expected Outcome:

We hope the work of this research will be useful to the Police Authorities, Lawyers, Investigation Authorities, Society, Researchers for the international, national level. That research work pursuit their studies in solving some Legal and Social problems in dealing prevention of corruption with prevention of Cyber Crimes and Digital asset

frauds by using Block chain with Centralized and Decentralized financial Services. The present work will also be useful to the Government to making laws in the parliament. It has a nice scope for further development in the Digitalisation era. Also this study will help researchers to upgrade and support the further studies on different prevention of corruption and prevention of Cybercrimes with Digital asset frauds and Block chain Technology to carry out a general framework for their Legal uses in real life. In future the society is aware about prevention of corruption and prevention of Cyber frauds and Digital asset frauds with block chain technology.

❖ Proposed work plan/Year-wise plan of work and targets to be achieved:

➢ I Year plan:

The collection of basic materials required for this research. This includes collection of Journals, Books and some research papers related to the research. We would like to visit few libraries and institutions like IITS, IISC, IISER/NISER, TIFR and some universities for collection of literature. In this year, we will complete course work. Two progress reports will be submitted at the end of this year.

II Year plan:

The collected material will be proceeded and attempt will made to discover the finding in the direction of research different methodology, tools, techniques and guidance will be apply for new research problems. Some national and international visits for the guidance of research work verification, methodology verification. To the study of new research problem in different form and it will be submitted to research journals for publication. Two progress reports will be submitted at the end of this year.

➢ III Year plan:

The outcome of our research work will be presented in national and international gatherings such as, conferences, seminars, and workshops during this year. Also we discuss the present new research work findings with various researchers, lecturers, students. The research work will be published in the several reputed journals. The printing and binding of project work. The papers of project work based on existence theory will be communicated to the different national and international journals for the

publication. Two progress reports will be submitted at the end of this year and submission of final synopsis will be done in this year to the authority.

References (Books / Research Papers):

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